United Nations S/2004/903

Security Council

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Draft resolution

The Security Council,

Recalling its resolutions 1547 (2004) of 11 June 2004, 1556 (2004) of 30 July 2004 and 1564 (2004) of 18 September 2004 and the statements of its President concerning Sudan,

Reaffirming its commitment to the sovereignty, unity, independence and territorial integrity of Sudan, and *recalling* the importance of the principles of good-neighbourliness, non-interference and regional cooperation,

Reaffirming also its support for the Machakos Protocol of 20 July 2002 and subsequent agreements based on this protocol,

Expressing its determination to help the people of Sudan to promote national reconciliation, lasting peace and stability, and to build a prosperous and united Sudan in which human rights are respected and the protection of all citizens is assured,

Recalling that it welcomed the signature of the Declaration on 5 June 2004 in Nairobi, Kenya, in which the parties confirmed their agreement to the six protocols signed between the Government of Sudan and the Sudan People's Liberation Movement/Army, and reconfirmed their commitment to completing the remaining stages of negotiations,

Commending again the work and continued support of the Intergovernmental Authority on Development (IGAD), in particular the Government of Kenya as Chair of the Sub-Committee on Sudan, in facilitating the peace talks in Nairobi, *recognizing* the efforts of the Civilian Protection Monitoring Team, the Joint Military Commission in the Nuba Mountains and the Verification and Monitoring Team supporting the peace process, and *expressing* its hope that IGAD will continue to play a vital role during the transitional period,

Encouraging the parties to conclude speedily a Comprehensive Peace Agreement, and stressing the need for the international community, once such an agreement has been signed and implementation begins, to provide assistance towards its implementation,

Emphasizing that progress towards resolution of the conflict in Darfur would create conditions conducive for delivery of such assistance,

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Expressing its serious concern at the growing insecurity and violence in Darfur, the dire humanitarian situation, continued violations of human rights and repeated breaches of the ceasefire, and *reiterating* in this regard the obligation of all parties to implement the commitments, referred to in its previous resolutions on Sudan,

Condemning all acts of violence and violations of human rights and international humanitarian law by all parties, and *emphasizing* the need for perpetrators of all such crimes to be brought to justice without delay,

Recalling in this regard that all parties, including the Sudanese rebel groups such as the Justice and Equality Movement and the Sudanese Liberation Army, must respect human rights and international humanitarian law, and *also recalling* the primary responsibility of the Sudanese Government to protect its population within its territory and to maintain law and order, while respecting human rights,

Stressing the importance of further progress towards resolving the crisis in Darfur, *welcoming* the vital and wide-ranging role being played by the African Union towards that end, and *welcoming* the Government of Sudan's decision in favour of the expansion of the African Union Mission,

Taking note of the Secretary-General's reports of 28 September 2004 (S/2004/763) and 2 November 2004 (S/2004/881),

Deeply concerned by the situation in Sudan and its implications for international peace and security and stability in the region,

1. *Declares* its strong support for the efforts of the Government of Sudan and the Sudan People's Liberation Movement/Army to reach a Comprehensive Peace Agreement, *encourages* the parties to redouble their efforts, *welcomes* the signing of the Memorandum of Understanding in Nairobi on 19 November 2004 entitled "Declaration on the conclusion of IGAD negotiations on peace in the Sudan", attached to this resolution, and the agreement that the six protocols referred to in the Nairobi Declaration of 5 June 2004 constitute and form the core Peace Agreement, and *strongly endorses* the parties' commitment to reach a final comprehensive agreement by 31 December 2004 and *expects* that it will be fully and transparently implemented, with the appropriate international monitoring;

2. *Declares* its commitment, upon conclusion of a Comprehensive Peace Agreement, to assist the people of Sudan in their efforts to establish a peaceful, united and prosperous nation, on the understanding that the parties are fulfilling all their commitments, including those agreed in Abuja, Nigeria and Ndjamena, Chad;

3. *Urges* the Joint Assessment Mission of the United Nations, the World Bank and the parties, in association with other bilateral and multilateral donors, to continue their efforts to prepare for the rapid delivery of an assistance package for the reconstruction and economic development of Sudan, including official development assistance, possible debt relief and trade access, to be implemented once a Comprehensive Peace Agreement has been signed and its implementation begins;

4. *Welcomes* the initiative of the Government of Norway to convene an international donors' conference for the reconstruction and economic development of Sudan upon the signing of a Comprehensive Peace Agreement;

5. *Welcomes* the continued operations of the Joint Military Commission, the Civilian Protection Monitoring Team, and the Verification and Monitoring Team, in anticipation of the implementation of a Comprehensive Peace Agreement and the establishment of a United Nations peace support operation;

6. *Reiterates* its readiness, upon the signature of a Comprehensive Peace Agreement, to consider establishing a United Nations peace support operation to support the implementation of that agreement, and *reiterates* its request to the Secretary-General to submit to the Council, as soon as possible after the signing of a Comprehensive Peace Agreement, recommendations for the size, structure, mandate of such an operation, including also a timetable for its deployment;

7. *Welcomes* the preparatory work already carried out by the United Nations Advance Mission in Sudan (UNAMIS), established by its resolution 1547 (2004), *endorses* the proposals in the Secretary-General's reports of 28 September 2004 and 2 November 2004 to increase its staffing, *extends* the mandate of UNAMIS by a further three months until 10 March 2005, and *calls on* the Sudan People's Liberation Movement/Army to commit to full cooperation with UNAMIS;

8. *Calls on* all countries in the region to do their utmost to support actively the full and timely implementation of a Comprehensive Peace Agreement;

9. *Emphasizes* that a Comprehensive Peace Agreement will contribute towards sustainable peace and stability throughout Sudan and to the efforts to address the crisis in Darfur, and *underlines* the need for a national and inclusive approach, including the role of women, towards reconciliation and peace-building;

10. *Underlines* the importance of progress in peace talks in Abuja between the Government of Sudan and the Sudanese Liberation Army and the Justice and Equality Movement towards resolving the crisis in Darfur, *insists* that all parties to the Abuja peace talks negotiate in good faith to reach agreement speedily, *welcomes* the signature of the Humanitarian and Security Protocols on 9 November 2004, *urges* the parties to implement these rapidly, and looks forward to the early signature of a Declaration of Principles with a view to a political settlement;

11. *Demands* that Government and rebel forces and all other armed groups immediately cease all violence and attacks, including abduction, refrain from forcible relocation of civilians, cooperate with international humanitarian relief and monitoring efforts, ensure that their members comply with international humanitarian law, facilitate the safety and security of humanitarian staff, and reinforce throughout their ranks their agreements to allow unhindered access and passage by humanitarian agencies and those in their employ, in accordance with its resolution 1502 (2003) of 26 August 2003 on the access of humanitarian workers to populations in need and with the Abuja Protocols of 9 November 2004;

12. In accordance with its previous resolutions on Sudan, *decides* to monitor compliance by the parties with their obligations in that regard and, subject to a further decision of the Council, to take appropriate action against any party failing to fulfil its commitments;

13. *Strongly supports* the decisions of the African Union to increase its mission in Darfur to 3,320 personnel and to enhance its mandate to include the tasks listed in paragraph 6 of the African Union Peace and Security Council's Communiqué of 20 October 2004, *urges* Member States to provide the required

equipment, logistical, financial, material, and other necessary resources, and *urges* the Government of Sudan and all rebel groups in Darfur to cooperate fully with the African Union;

14. *Reiterates* its call on Member States to provide urgent and generous contributions to the humanitarian efforts under way in Sudan and Chad;

15. *Calls on* all parties to cooperate fully with the International Commission of Inquiry established by the Secretary-General, as described in his letter of 4 October 2004 to the President of the Security Council (S/2004/812), the outcome of which will be communicated to the Security Council;

16. *Reiterates* the importance of deploying more human rights monitors to Darfur;

17. *Requests* the Secretary-General to keep it regularly informed of developments in Sudan, and to make any recommendations for action to ensure implementation of this resolution and its previous resolutions on Sudan;

18. *Decides* to remain seized of the matter.

Annex

DECLARATION ON THE CONCLUSION OF IGAD NEGOTIATIONS ON PEACE IN THE SUDAN

Gigiri, Nairobi: ***Friday, 19th November, 2004***

WHEREAS the Government of the Republic of the Sudan and the Sudan People's Liberation Movement/Army (the Parties) reconfirmed in the Nairobi Declaration of 5th June, 2004 on the Final Phase of the IGAD led negotiations on Peace in the Sudan, their agreement on the six texts, including the Machakos Protocol as well as the texts relating to Power Sharing, Wealth Sharing, Security Arrangements, and resolution of the Conflict in Southern Kordofan/Nuba Mountains, Blue Nile, and Abyei Area;

WHEREAS the Parties in a Joint Press Statement on October 16, 2004, "recommitted themselves to finalize and conclude the Comprehensive Peace Agreement in recognition that prompt completion of the Peace Process is essential for all the people of the Sudan as it will help in resolving all challenges facing the country";

ACKNOWLEDGING the progress made to date on the Security Arrangements and Ceasefire Details including the extensive work that has been accomplished in the Implementation Modalities annexes; and

DECLARING that the conclusion of the IGAD led initiative is central to a comprehensive Peace Agreement in the Sudan including the resolution of the Conflict in Darfur;

NOW HEREBY THE PARTIES AFFIRM that the six Protocols referred to in the Nairobi Declaration of 5th June, 2004, constitute and form the core Peace Agreement and therefore invite the UN Security Council in this its Nairobi sitting to pass a resolution endorsing the six Protocols.

FURTHER the Parties declare their commitment to expeditiously complete Negotiations on the two annexes on Ceasefire Agreement and Implementation Modalities so as to conclude and sign the Comprehensive Peace Agreement no later than 31st December, 2004.

(*Signed*)

Hon. Yahya Hussein Babikar
For the Government
Of the Republic of the Sudan

(*Signed*)

Cdr. Nhial Deng Nhial
For the Sudan People's
Liberation Movement/Army

Witnessed By:

(*Signed*)

Lt. Gen. Lazaro K. Sumbeiywo (Rtd.)
On Behalf of the IGAD Envoys

(*Signed*)

Dr. Jan Pronk
Special Representative of the Secretary-General
of the United Nations

In the Presence of:
The United Nations Security Council.

(*Signed*)

Ambassador Abdallah Baali
Permanent Representative of Algeria
to the United Nations

(*Signed*)

Ambassador Joel Adechi
Permanent Representative of Benin
to the United Nations

(*Signed*)

Ambassador Heraldo Muñoz
Permanent Representative of Chile
to the United Nations

(*Signed*)

Ambassador Jean-Marc de La Sablière
Permanent Representative of France
to the United Nations

(*Signed*)

Ambassador Ismael Gaspar Martins
Permanent Representative of Angola
to the United Nations

(*Signed*)

Ambassador Ronaldo Sardenberg
Permanent Representative of Brazil
to the United Nations

(*Signed*)

Ambassador Wang Guangya
Permanent Representative of China
to the United Nations

(*Signed*)

Ambassador Gunter Pleuger
Permanent Representative of Germany
to the United Nations

(*Signed*)

Ambassador Munir Akram
Permanent Representative of Pakistan
to the United Nations

(*Signed*)

Ambassador Lauro Baja, Jr.
Permanent Representative of the Philippines
to the United Nations

(*Signed*)

Ambassador Mihnea Motoc
Permanent Representative of Romania
to the United Nations

(*Signed*)

Ambassador Andrey Denisov
Permanent Representative of the Russian Federation
to the United Nations

(*Signed*)

Ambassador Juan Antonio Yáñez-Barnuevo
Permanent Representative of Spain
to the United Nations

(*Signed*)

Ambassador Emyr Jones Parry
Permanent Representative of the United Kingdom
to the United Nations

(*Signed*)

Ambassador John Danforth
Permanent Representative of the United States
to the United Nations